

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q64544

Dominique HAMOIR

Appln. No.: 09/856,362

Group Art Unit: 2633

Confirmation No.: 6876

Examiner: Leslie PASCAL

Filed: May 22, 2001

For: **AMPLIFICATION FOR VERY BROAD BAND OPTICAL FIBER TRANSMISSION
SYSTEMS**

RESPONSE TO OFFICE COMMUNICATION

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

An Examiner's Answer was mailed February 8, 2007, and appellant filed a Reply Brief on April 9, 2007. A second Examiner's Answer was mailed April 20, 2007, apparently to correct an oversight in its listing of prior art, and a Response to that second Examiner's Answer was filed on June 20, 2007. In the latest Communication mailed September 14, 2007, the examiner acknowledges the filing of the Reply Brief of April 9, 2007. Other than the fact that it does not acknowledge the Reply Brief filed June 20, 2007, the acknowledgement is in accord with 37 CFR 41.43(a)(1). However, the examiner then goes on to reply to each of the arguments presented in the Reply Brief. There is no provision for this in the rules. The options under 37 CFR 41.43 are to either re-open prosecution or to issue a Supplemental Examiner's Answer responding to any new issue raised in the reply brief. MPEP 1208.II requires that any supplemental examiner's answer be approved by the technology center director.

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Response to Communication

If this is indeed intended as a supplemental examiner's answer, it is respectfully requested that it be so designated and appellant be given an opportunity to further respond. Otherwise, it is requested that all remarks other than the permitted acknowledgement be stricken.

Respectfully submitted,

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Date: October 16, 2007